Chad Reeves, Fred Thomas, The Graffiti Gallery

Your rights start here

The Manitoba **Human Rights** Commission

ANNUAL REPORT 2011

YOUR HUMAN RIGHTS IN MANITOBA

The underlying principle of the *Human Rights Code (Manitoba)* is the recognition of the individual worth and dignity of every person.

Discrimination under *The Human Rights Code* is treating someone differently, to their disadvantage and without a valid reason or failing to take steps to accommodate special needs that are based on the characteristics covered under the Code. Manitoba's *Human Rights Code* prohibits unreasonable discrimination in areas such as employment, housing, public services or contracts, and signs and notices.

The Code prohibits unreasonable discrimination on the following grounds, called "protected characteristics."

- Ancestry
- Nationality or national origin
- Ethnic background or origin
- Religion or creed, or religious belief, religious association or religious activity
- Age
- Sex, including pregnancy, or gender identity
- Gender-determined characteristics
- Sexual orientation
- Marital or family status
- Source of income
- Political belief, political association or political activity
- Physical or mental disability

Members of other historically disadvantaged groups, not listed in this section of *The Code* may also be protected.

In determining whether discrimination has occurred, it is the effect, not the intention that counts.

Most employers, landlords or service providers that are located in Manitoba are regulated by provincial law and so are bound by Manitoba's *Human Rights Code*. Other private businesses, such as airlines, banks, and telecommunication enterprises, as well as the federal civil service and many First Nations governments and organizations, however, are regulated by federal law. Complaints against them must, therefore, be filed with the Canadian Human Rights Commission under federal human rights law.

The Human Rights Code is a special law that overrides other provincial laws.

The cover of the Annual Report is a photograph of a mural painted by Chad Reeves and Fred Thomas in 2011. It is on the on the wall of the Mediation Room at the Manitoba Human Rights Commission Office.

ATTORNEY GENERAL
MINISTER OF JUSTICE

Room 104
Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

His Honour
The Honourable Phillip S. Lee
Lieutenant-Governor of Manitoba

Sir:

May it please your Honour, it is my pleasure to present to you, the Annual Report of The Manitoba Human Rights Commission for the year 2011.

Respectfully submitted,

Andrew Swan
Minister

THE MANITOBA
HUMAN RIGHTS
COMMISSION

LA COMMISSION DES
DROITS DE LA PERSONNE
DU MANITOBA

The Honourable Andrew Swan
Minister of Justice and Attorney General
Legislative Building
Winnipeg, MB R3C 0V8

Sir:

We are pleased to forward to you, the Minister responsible for administration of *The Manitoba Human Rights Code*, the Annual Report of the Manitoba Human Rights Commission for the calendar year ending December 31, 2011.

Jerry Woods
Chairperson

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CHAIRPERSON'S MESSAGE

Jerry Woods
Chairperson, Manitoba Human Rights Board of Commissioners

The goal of the Manitoba Human Rights Commission is to promote and protect the human rights of all persons living in Manitoba. One of the continuing challenges we face is to ensure that discrimination and harassment does not occur in the workplace.

The 2011 Human Rights Commitment Award of Manitoba recognized those employers and unions who have demonstrated a commitment to human rights resulting in an inclusive and diverse workplace. The recipient was United Food and Commercial Workers (UFCW) Local 832, which provides and promotes an inclusive workplace that reflects the diversity of its membership and their families.

There are many such workplaces across the province and I congratulate each and everyone for creating a harassment and discrimination free environment for their workers.

Unfortunately there are still some workplaces that, when it comes to human rights, reside in the dark ages. Ever since the Commission opened its doors, the greatest number of complaints received has been in the area of employment. It is ironic that as discrimination becomes less prevalent in our society, it unfortunately still exists in today's workplace.

Building respect for human rights into the workplace would seem to be an easy task. It is not.

Everyday people across Manitoba face on-the-job discrimination. Pregnant women are fired, sexual harassment continues to reveal its ugly nature, racial comments are ignored and people with disabilities are not accommodated.

The Commission works very hard to explain to employers that they have a responsibility to ensure that their workplaces are discrimination-free. It not just the law, it makes financial sense. Low productivity and even lower morale can be the result of a workplace poisoned with human rights contraventions.

We offer workshops for supervisors, employers and human resource specialists on human rights in the workplace and publish various materials about rights and responsibilities in employment, from interview to retirement. They are available in print and on our website.

In 2012, I encourage all those who are a victim of, or a witness to, discrimination in the workplace to come forward. I challenge those workplaces, which do not have a harassment or discrimination free policy, to adopt one. I call on companies to develop a process for their employees requiring reasonable accommodation. And I invite all those employers, who want to build an inclusive and diversified workplace, to attend our education programs.

I believe that Manitoba workplaces can be better by following the example set by the United Food and Commercial Workers (UFCW) Local 832 and the success of many other companies and unions, small and large that have integrated human rights into their workplaces.

Respect, diversity and equality are the foundations of human rights in Manitoba. It is time that these values found their way into every workplace in this province.

> *"Racism and discrimination are very real to me. I see the unfairness, the inequities, and the injustice all around on a daily basis."*
>
> *Jerry Woods*
> *MFL Health and Safety Conference, April 14, 2011*

YEAR IN REVIEW

The Manitoba Human Rights Commission is authorized to mediate and investigate complaints of discrimination, to refer matters to adjudication, to educate the public and promote human rights.

2011 Highlights

- *Following a complaint of systemic discrimination and successful human rights mediation, The Government of Manitoba agreed to move 49 people on a transition list from the Manitoba Developmental Centre (MDC) into the community over the next three years. This, and future replacements, will be closely monitored by a committee including interested parties and the Manitoba Human Rights Commission. Also for the first time, the settlement gives Community Living – Manitoba the opportunity to present residents and their families other community living options including the opportunity to visit and experience various community settings.*

- *Early in the year, the Commission entered into discussions with the Province regarding attempts by an individual to obtain a disability parking permit.*

  The concern was that individuals with disabilities who do not require the use of a mobility aid could not get a parking permit. In May of 2011, the Province passed amendments to the Physically Disabled Persons Parking Regulation, which has now expanded the range of sources of corroborating information that may be relied upon when applying for a permit. This eliminated any differential treatment between those with mobility aids and those without such aids.

- *A new seminar dealing with mental health issues in the workplace was delivered for the first time and quickly become one of the Commission's most sought after courses.*

- *A new policy, guideline and fact sheet were developed to assist in the interpretation of the term "dog guide or other animal assistant" referred to in subsection 9(2)(l) of The Human Rights Code.*

- *As a result of number of human rights complaints based on sex including pregnancy and circumstances related to pregnancy, a public fact sheet on the human rights of breastfeeding mothers was written and subsequently posted in many city-wide facilities in Winnipeg.*

- *The Manitoba Human Rights Commission welcomed the opportunity to make a submission in response to the Accessibility Discussion Paper. The Commission strongly supports any measures that will prevent or remove barriers faced by Manitobans with disabilities.*

  The Discussion Paper noted the high percentage of complaints based on disabilities that are filed with the Commission each year and that the percentage of complaints raising allegations of discrimination based on mental health issues has steadily increased over the past decade. Such complaints now comprise approximately 1/3 of the disability complaints filed each year.

  In the Commission's view, accessibility legislation, which has as its objective the creation of a more inclusive society for persons with disabilities, should focus on barriers faced by those with mental health issues as well as physical disabilities.

THE COMPLAINT PROCESS

Intake
The intake staff is often the first contact the public makes with the Manitoba Human Rights Commission. The Commission has intake staff in its Winnipeg, Brandon and The Pas offices.

In 2011 over 4500 requests for information were dealt with by the intake staff. Approximately 8 per cent of the contacts were matters that directly related to *The Code*, while a further 19 per cent were requests for literature or information relating to human rights. As a result of these contacts, 366 files were opened.

Pre-complaint
Before a formal complaint is filed, the intake staff may recommend pre-complaint mediation, which is a voluntary, without prejudice, process. The Commission mediators attempt to resolve an issue prior to the filing of a formal complaint of discrimination. In 2011, 16 matters were resolved successfully using this process.

Area and Ground(s): Alleged discrimination: sexual harassment in the workplace

Background: A young woman said that she had experienced objectionable and unwelcome sexual advances by the owner of the establishment where she worked. She said it began with an offer of a career advancement opportunity and she agreed to meet with the owner outside the workplace on a number of occasions.

The meetings, she said, became more personal than professional and culminated when he invited her to a meeting in a hotel suite and sexual remarks and touching took place while she tried to remove herself from the situation. She quit her job and informed her boss's wife.

Resolution: The pre-complaint resolution resulted in the young woman receiving $5,000 for lost wages and counselling costs, and an apology. The owner also agreed to implement a harassment free policy in the workplace.

Mediation
If a formal complaint is filed, complainants are advised that the Commission offers mediation as an option for the parties to consider, before or during an investigation. It is important to note that during mediation at this stage of the process, no assessment or decision about the complaint is made. At times, a mediated settlement can achieve more, from the perspective of the complainant, than a public hearing.

Area and Ground(s): Alleged discrimination and harassment in employment based on religion

Background: The complainant is Muslim and believed she was subjected to a course of abusive and unwelcome conduct or comments made on the basis of her religion. According to the complainant, she was referred to as a terrorist and accused of taking sick days because of her religion.

Resolution: After pre-investigation mediation took place, the complainant received $3000.00 in general damages as well as a letter from the respondent outlining the steps subsequently taken addressing what had happened.

Fast Fact
In 2011, 83 complaints were successfully mediated during the pre-complaint process, the pre-investigation stage or during the investigation.

Investigation
Each complaint that is not resolved in the mediation process is assigned to the 8 person investigation team. During 2011 the average length of an investigation (from the date it was assigned to an investigator up to and including the date the written preliminary or investigation report was completed) was 8.2 months.

Before an investigation begins a preliminary assessment may be done to determine if the complaint, as filed, is within the jurisdiction of the Commission and/or whether the complaint or complainant has disclosed a reasonable ground to support the alleged contravention of *The Human Rights Code*. This Preliminary Assessment report is sent to the Board of Commissioners with a recommendation.

Complaints are investigated in an impartial manner. The investigator interviews witnesses and obtains documents and information to thoroughly explore the positions of both parties. A formal report called an Investigation Assessment Report, including a recommendation, is written for consideration by the Board of Commissioners.

Fast Fact
In 2011, the investigation team was assigned 147 formal complaints to investigate and the team completed Preliminary Assessment Reports (29) and Investigation Assessment Reports (107) on 136 complaints.

Withdrawn or Abandoned
The team of investigators and mediators prepared 45 reports with respect to complaints that were either withdrawn or abandoned during 2011.

Dismissed
Where there is insufficient evidence to support a complaint, or no contravention of *The Code* is found, or the Board is satisfied that the complaint is frivolous or vexatious, the Board will dismiss it. Once a case has been dismissed it does not go any further.

Area and Ground(s): Alleged discrimination in housing on the basis of national origin and ancestry.

Background: The complainant believed that his complaints regarding noise by another tenant were ignored because his nationality was different than the majority of tenants (including the tenant he complained about) living in the building.

Since attempts at mediation were unsuccessful, a full investigation took place. It was found that the complaint and the evidence lacked reasonable grounds to support the allegation that the complainant's national origin and ancestry were factors in the manner that the management company of the apartment handled the noise complaints.

The Board of Commissioners dismissed the complaint.

Fast Fact
In 2011, 128 of the 284 closed complaints were dismissed by the Board.

Board Directed Mediation
Where the Board finds that the complaint has enough support in the evidence to proceed further and should not be dismissed, it may provide the parties with the opportunity to discuss settlement. This is referred to as Board Directed Mediation.

Area and Ground(s) Alleged discrimination in the rental of premises based on source of income and country of origin

Background: Pre-investigation mediation was not successful and a full investigation took place. The investigation revealed that the leasing coordinator was not aware that landlords and rental agencies cannot screen applicants on the basis of their source of income. The evidence overall suggested that the complainant was denied housing on the basis of his source of income. There was, however, no evidence to suggest that his country of origin was a factor.

The Board of Commissioners determined that there was sufficient evidence to proceed and directed mediation was undertaken.

Resolution: The parties entered into an agreement with the complainant receiving $500 in general damages and an additional $500 in reimbursement of expenses/special damages. The landlord amended its policy relating to the approval of tenants.

Fast Fact
In 2011, 28 files were referred to directed mediation and 11 cases were voluntarily resolved at this stage.

Referred to Adjudication
When the board directs that mediation should take place, it lets the parties know that if mediation is not successful, the matter will be sent to adjudication. In 2011, 5 files were referred to adjudication.

Legal Proceedings
In 2011, 2 adjudications were held; *Willcox v. Ladco Company Limited o/a Lakewood Agencies (Preliminary Matter)* and *Rempel v. Canadian Mental Health Association, Westman Region Inc.*

Also, 2 judicial reviews took place; *Canadian Blood Services v. Manitoba Human Rights Commission and X* and *Korsch v. Manitoba Human Rights Commission.*

Fast Fact
Legal proceedings and decisions can be found on the Commission's website. www.manitobahumanrights.ca.

Settled prior to adjudication
The Commission's legal counsel will make a final attempt to settle the matter before adjudication. Two files, which had been referred to adjudication, were resolved by legal counsel in 2011, before the hearing took place.

AWARENESS OF HUMAN RIGHTS AND RESPONSIBILITIES

In 2011 the Commission published one new guideline, *Guidelines under The Human Rights Code (Manitoba), on guide dogs and service animals* and two new fact sheets: *Persons with Service Dogs and The Human Rights Code and Breastfeeding and The Human Rights Code.*

A new policy was developed to assist in the interpretation of the term "dog guide or other animal assistant" referred to in subsection 9(2)(l) of *The Human Rights Code*. This policy was followed by the new publication "Guidelines on guide dogs and service animals" and the corresponding fact sheet dealing specifically with guide dogs.

Last year it was reported that there appeared to be a lack of understanding of the human rights protections for breast feeding mothers. In early 2011 a public fact sheet was written and subsequently posted by many city-wide facilities in Winnipeg.

In response to the growing number of complaints based on mental health issues, the Commission added a new workshop to its list of education programs. The half-day session deals with such topics as: what a mental disability is under *The Human Rights Code*; what your obligations as an employer are if you reasonably believe that an employee may have a mental illness; what information is needed from medical practitioners;

and the benefits of having a policy on reasonable accommodation.

Fast Fact
Over 260 employers, supervisors, human resource specialists and other interested people attended the Commission's seminars and workshops in 2011.

The Commission's outreach officer gave presentations and written material to members of many groups including Filipino Faith Group that is involved with settlement of newcomers in that community, Northern Chiefs and Council group composed of staff and council members, and the Point Douglas Women's Centre.

Fast Fact
The Commission continues to expand its community activities and made public presentations to almost 2,550 people.

With its partners the Children's Advocate and the Office of the Ombudsman, the Commission published another in its series of *The Rights of Youth*. This latest edition is called *The Rights of Youth: Disability.* Like the others in this series, it offers practical, easy to read information for youth with mental and physical disabilities.

In celebration of March 21 The International Day for the Elimination of Racial Discrimination, the Commission officially launched its interactive website, *Manitoba Class Action* to help students and teachers in Manitoba learn about human rights. In Winnipeg, the site was promoted at the Rotary Club Career Symposium, at the Manitoba Law Courts Building on Law Day, at the Manitoba Teacher's Society Conference: Encompassing Kids, and in Brandon, at the Career Symposium.

Many human rights issues come to the public's attention when the media carries a specific story. This, in turn, gives the Commission the opportunity to educate on rights and responsibilities. An example in 2011 was a waitress who was allegedly fired when she shaved her hair in support of another during cancer treatment.

Although a situation in which someone shaves their head to support another who is undergoing treatment for cancer may not be strictly viewed as a contravention of human rights legislation, illnesses which cause baldness, or an allegation that the individual is being treated differently because she is a woman, are certainly issues that the Human Rights Commission would take seriously.

Each year the Manitoba Human Rights Commission and its partners, the Canadian Human Rights Commission and the Manitoba Association for Rights and Liberties recognize individuals or groups who have promoted respect for human rights and fundamental freedoms.

The 2011 Human Rights Commitment Award of Manitoba recognized those employers and unions who have demonstrated a commitment to human rights resulting in an inclusive and diverse workplace. The recipient of this award was the United Food and Commercial Workers (UFCW) Local 832 and its Training Centre. The UFWC provides and promotes an inclusive union that reflects the diversity of its membership and their families.

The recipient for the Sybil Shack Human Rights Youth Award was Rebekah Enns of Westgate Mennonite Collegiate in Winnipeg. Rebekah initiated a gay-straight alliance group at her school.

REPORT FROM THE EXECUTIVE DIRECTOR DIANNA SCARTH

I am pleased to report, as in past years, the Commission has found success in another very important systemic settlement case. This one provides for discharging a number of residents of the Portage Developmental Centre into the community over the next 3 years. The resolution is an example of how systemic change can be achieved through a human rights complaint, as well as how an auditing role by the Commission helps ensure full compliance with all the settlement terms.

The Commission continues to experience success with its mediation program. Of the total complaints resolved through mediation during the year, 85% were pre-Board settlements. This is a very positive outcome considering that feedback from both the complainant and the respondent reveal the earlier in the complaint process a settlement is reached, the more satisfied they are with the process.

The Commission remains concerned with the high percentage of disability complaints (45% of all complaints) particularly the steady increase in those based on mental health issues which has become a national trend. During the year, the Commission demonstrated a proactive approach to mental health by increasing the number of seminars to help employers deal with the challenges presented by employees with mental illnesses. The Commission was the lead organization in a national research project which assessed the extent to which mental health legislation protects human rights. And it participated as a member of the Canadian Association of Statutory Human Rights Agencies in a national workshop which focused on accommodation issues related to mental health.

As the year ends, we are looking forward to celebrating the 25th anniversary of *The Human Rights Code*, hosting the CASHRA national human rights conference in June, and holding two youth conferences targeting junior high students for the first time ever!

We said farewell to two valued staff members during the year - Simon Gillingham moved to the City of Winnipeg, and Lara Badmus to the Law Society. Andre Doumbe was appointed as a new Commissioner in December.

This report is being written as I prepare to leave the Commission after 15 years. I would like to express my appreciation to Ken Filkow, Janet Baldwin and Jerry Woods for their support and guidance in their role as Chairs of the Commission, to my amazing colleagues at the Commission and to people in the community who have made my job such a pleasure over the years. It was a rare opportunity for which I will always be grateful.

COMMISSIONERS

Chairperson
Jerry Woods is a proud member of the Couchiching First Nation and hosts all the Commission's youth conferences. His background in the labour movement and his expertise as a negotiator serve him well as a strong advocate for Aboriginal employment and human rights issues. He continues to work in the community as an activist and strives for equitable outcomes with a dedication to improving the quality of life for all people. Jerry's passion is golf, and his joy is his family, wife Cathy, their six children, and ten grand children.

Vice-Chairperson
Yvonne Peters has a Bachelor of Arts and a Bachelor of Law from the University of Saskatchewan and a Bachelor of Social Work from the University of Regina. She practices equality rights law in Winnipeg, providing legal consultation and advice. She serves as the Vice-Chair of the Accessibility Advisory Council appointed by the Honourable Jennifer Howard, Minister Responsible for persons with Disabilities. Her community work includes serving on the Council of the Manitoba Bar Association and is on the Board of Directors of the International Association of Assistance Dog Partners and Winnipeg Folk Festival.

Commissioners
Robin Dwarka is the Director of Finance for Legal Aid Manitoba. She is a Certified Management Accountant (CMA) and has a Bachelor of Commerce (Honours) from the University of Manitoba. Robin is a founding member of the Manitoba Pan Handlers, a

local steel band. She is actively involved with Anansi, a school for the performing arts to promote the Caribbean culture through dance, music and drama to youth in Winnipeg.

Elliot Leven is a lawyer by profession and his preferred areas of practice are labor and employment law and Aboriginal law. He is an active member of Winnipeg's gay and Jewish communities. He is the president of the Community Unemployed Help Centre, a member of various Law Society of Manitoba committees, and on the Board of the Manitoba Council of Administrative Tribunals (MCAT).

Sheena Rae Reed was born and raised in Flin Flon and her love of the North resulted in her returning to her hometown after receiving her Arts Degree from the University of Manitoba and studying two years of law. Today she works with Child and Family Services for the Government of Manitoba. For the last seventeen years Sheena has coached girls' gymnastics and has been involved in Big Brothers/ Big Sisters. She is also a Board Member of the Northern Women's Resource Centre in Flin Flon, the Vice-President of the Flin Flon Friendship Centre's Board of Directors and the past President of the Manitoba Association of Friendship Centres.

Ajit Kaur Deol, O.M. has a BA (Honours) and a MA from the University of Toronto. She was a teacher in Winnipeg for many years. Ajit is credited with developing the Caroline McMorland School for the mentally disabled in Ontario, where she was principal. In 1985-86, she was the first woman president of a Sikh Gurudwara (temple) in North America. Ajit is a recipient of the Order of Manitoba and the Queen Elizabeth II Golden Jubilee Medal and has been on the Board of Directors of countless organizations and is currently a member of the Advisory Committee Punjab Foundation, Boards and Commissions, and a Director on the Board of the Seven Oaks School Education Scholarship Foundation.

Joan Hay has lived in Winnipeg's inner city for over twenty years. Joan co-hosts a radio show called "Inner City Voices" on CKUW, the University of Winnipeg's community station, and is the founding member and Past President of the Inner City Aboriginal Neighbours (I-CAN) group. She also is involved with many inner city boards and committees and currently works at the Ma Mawi Wi Chi Itata Centre Inc. as a Community Helper/Emergency Services Worker. Joan is of Ojibwe/Dakota descent from Waywayseecappo First Nation in Manitoba.

Leo Aniceto is as a staff lawyer for Somerset Law Office, Family Unit, Legal Aid Manitoba. Prior to this, he practiced on his own for about five years helping clients in the areas of family law, criminal law, child protection and real estate. Leo has three children. He is a member of the Filipino community and enjoys helping fellow Filipinos with their legal problems whenever he can.

Karen Banuga is a Research/Copyright Officer and Access and Privacy Coordinator for the Assiniboine Community College. She has a Bachelor of Arts Degree from Brandon University and is a member of the Islamic Community. Karen is a strong advocate of women's rights and is an active member of the Manitoba Government Employees Union and Chief Steward. She loves to travel and finds it helpful in understanding other cultures and belief systems. Karen is married with four children.

André Doumbè was born in Cameroon, Africa and studied Business Administration and was Purchasing Manager at Champs Food Systems from 1986 to 1998. He is currently working as a Statistical Clerk at the Market Analysis Group, Grain and Oilseeds Division, Agriculture Canada. Mr. Doumbe has over twenty years community involvement at the grassroots level. He is currently serving as the President of the African Communities of Manitoba Inc. (ACOMI), a coalition of African grassroots organizations. He is a member of the Manitoba Immigration Council. He volunteers at United Way of Winnipeg, as a member of the education Committee. He is past President of Sous le Baobab, a Cameroonian grassroots organization in Winnipeg.

RÉSUMÉ EN FRANÇAIS DU RAPPORT ANNUEL DE 2011 DE LA COMMISSION DES DROITS DE LA PERSONNE DU MANITOBA

Le principe fondamental du *Code des droits de la personne* du Manitoba est la reconnaissance de la valeur et de la dignité individuelles de chaque être humain.

Selon le *Code des droits de la personne*, traiter quelqu'un différemment, à son désavantage et sans raison valable, ou omettre de prendre des mesures pour répondre aux besoins spéciaux basés sur des caractéristiques protégées par le *Code* constitue une discrimination. Le *Code des droits de la personne* du Manitoba interdit la discrimination injustifiée dans les domaines comme l'emploi, le logement, les services publics et les contrats, et sur les affiches et les avis.

Faits saillants de 2011

- À la suite d'une plainte pour discrimination systémique et d'une médiation en matière de droits de la personne réussie, le gouvernement du Manitoba a accepté que 49 personnes inscrites sur une liste de transition puissent quitter le Centre manitobain de développement et s'intègrent dans la communauté au cours des trois années à venir. Ce placement, ainsi que les placements ultérieurs, seront étroitement surveillés par un comité incluant des parties intéressées et des représentants de la Commission des droits de la personne du Manitoba. Par ailleurs, pour la première fois, l'entente donne la possibilité à l'Association pour l'intégration communautaire – Manitoba de présenter aux résidents et à leurs familles d'autres solutions d'intégration communautaire, notamment la possibilité de visiter et d'essayer divers logements communautaires.

- Au début de l'année, la Commission est entrée en pourparlers avec la Province au sujet d'une personne ayant tenté à plusieurs reprises d'obtenir un permis de stationnement pour personnes handicapées.

  Le problème venait du fait que les personnes handicapées ne nécessitant pas d'aide à la mobilité ne pouvaient pas obtenir de permis de stationnement. En mai 2011, la Province a adopté des modifications au *Règlement sur les aires de stationnement réservées aux handicapés physiques*, qui ont permis d'élargir la gamme de sources d'information pertinentes sur lesquelles il est possible de s'appuyer lors d'une demande de permis. Ceci a éliminé toute différence de traitement entre les personnes ayant des aides à la mobilité et celles n'en ayant pas.

- Un nouveau séminaire traitant des problèmes de santé mentale sur le lieu de travail a été donné pour la première fois, et est rapidement devenu l'un des cours délivrés par la Commission les plus demandés.

- Une nouvelle politique, de nouvelles lignes directrices et un nouveau feuillet de documentation ont été créés pour aider à interpréter correctement le terme « d'un chien guide ou d'un autre animal » dont il est question dans le paragraphe 9(2)(l) du *Code des droits de la personne.*

- À la suite d'un certain nombre de plaintes pour violations des droits de la personne fondées sur le sexe, dont la grossesse et les circonstances se rapportant à la grossesse, un feuillet de documentation public sur les droits des mères qui allaitent a été rédigé puis affiché dans de nombreux établissements dans tout Winnipeg.

- La Commission des droits de la personne du Manitoba a profité de l'occasion pour soumettre une réponse au document de travail sur l'accessibilité. La Commission soutient fermement toutes les mesures qui permettront d'éviter ou d'éliminer les obstacles auxquels font face les Manitobains et Manitobaines handicapés.

  Le document de travail faisait remarquer le fort pourcentage de plaintes fondées sur des handicaps déposées auprès de la Commission chaque année et signalait que le pourcentage de plaintes pour des discriminations fondées sur des problèmes de santé mentale avait constamment augmenté au cours des dix dernières années. À l'heure actuelle, de telles plaintes constituent environ un tiers des plaintes fondées sur une incapacité déposées chaque année.

  Aux yeux de la Commission, les lois sur l'accessibilité, dont l'objectif est de créer une société plus accueillante pour les personnes atteintes d'incapacités, devraient se concentrer sur les obstacles que rencontrent les personnes ayant des déficiences mentales et physiques.

TRAITEMENT DES PLAINTES – VUE D'ENSEMBLE

Dépôt – En 2011, plus de 4 500 demandes de renseignements ont été traitées par le personnel responsable de l'accueil. Ces demandes ont donné lieu à la création de 366 dossiers.

Avant le dépôt d'une plainte – Avant qu'une plainte officielle soit déposée, le personnel responsable de l'accueil peut recommander une médiation, qui est un processus volontaire mené sous réserve de tous droits. En 2011, 16 affaires ont été réglées avec succès grâce à ce processus.

Médiation – Si une plainte officielle est déposée, les plaignants sont informés que la Commission offre aux parties la possibilité de recourir à une médiation, avant ou pendant l'enquête. Il est important de noter que pendant la médiation, aucune évaluation de la plainte n'est effectuée et aucune décision n'est prise à son sujet. Parfois, un arrangement à l'amiable peut, du point de vue du plaignant, être plus profitable qu'une audience publique.

Enquête – Chaque plainte non résolue au cours du processus de médiation est assignée à l'équipe d'enquête, composée de huit personnes. En 2011, la durée moyenne d'une enquête (de la date où elle a été attribuée à un enquêteur jusqu'à la date où le rapport d'enquête ou le rapport préliminaire a été rédigé) était de 8,2 mois.

Plaintes rejetées – En 2011, 128 des 284 plaintes traitées ont été rejetées par le conseil.

Médiation du conseil – En 2011, 28 dossiers ont fait l'objet d'une médiation du conseil et 11 dossiers ont été réglés de plein gré à ce stade.

Arbitrage – En 2011, cinq dossiers ont été soumis à l'arbitrage.

Règlement avant l'arbitrage – En 2011, deux dossiers ayant été envoyés en arbitrage ont été réglés par les avocats avant l'audience prévue.

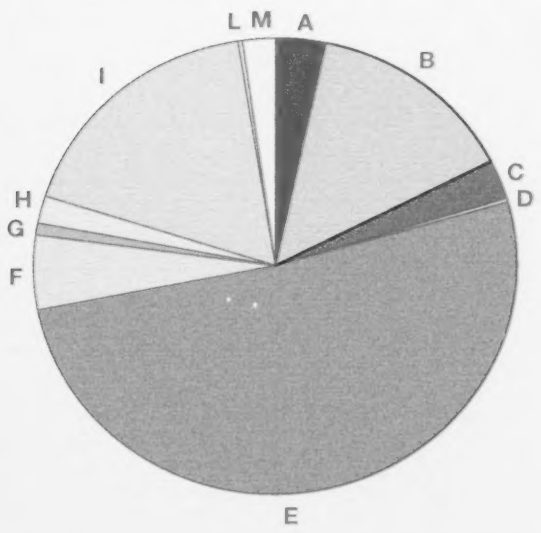
Actions en justice – En 2011, deux arbitrages ont eu lieu : *Willcox c. Ladco Company Limited s/n Lakewood Agencies* (question préliminaire) et *Rempel c. Canadian Mental Health Association, Westman Region Inc.*

De plus, deux révisions judiciaires ont eu lieu : *la Société canadienne du sang c. la Commission des droits de la personne du Manitoba, et X* and *Korsch c. la Commission des droits de la personne du Manitoba.*

Les actions en justice et les décisions peuvent être consultées sur le site Web de la Commission, à l'adresse suivante : **www.manitobahumanrights.ca/index.fr.html**.

STATISTICS

Formal Complaints Registered in 2011 - By Grounds



- A Age (9)
- B Ancestry (35)
- C National Origin (7)
- D Ethnic Origin (1)
- E Disability (129)
- F Marital/Family Status (13)
- G Political Belief (2)
- H Religion (5)
- I Sex (incl. Pregnancy) (44)
- J Gender Det. Characteristics (0)
- K Sexual Orientation (0)
- L Source of Income (1)
- M Other (5)

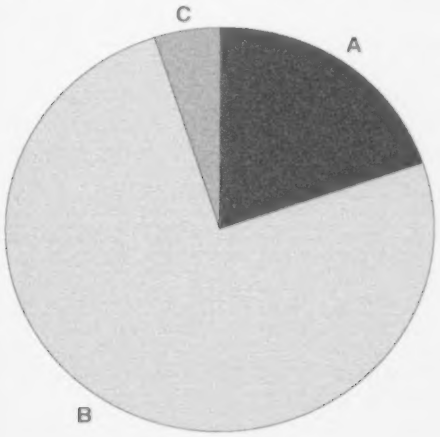
Total Complaints Registered = 251

Files Closed by Grounds up to December 31, 2011

Area	Pre-complaint Resolution	Pre-Board Settlements	Withdrawn / Abandoned	Dismissed by Board	Terminated / Offer Found Reasonable	Settled By Board Directed Mediation	Referred to Adjudication	Settled Prior to Adjudication
Age	1	2	1	17	1	1	1	0
Ancestry	1	4	7	28	0	0	0	0
National Origin	2	1	1	3	0	0	0	0
Ethnic Origin	0	0	0	0	1	0	1	0
Disability	8	32	18	45	6	10	3	2
Marital/Family	1	1	3	5	0	0	0	0
Political Belief	0	2	1	0	0	0	0	0
Religion	0	2	2	5	0	0	0	0
Sex (including Pregnancy)	2	19	8	17	1	0	0	0
Gender Determined Characteristics	0	0	1	0	0	0	0	0
Sexual Orientation	0	0	0	2	0	0	0	0
Source of Income	0	1	3	3	0	1	0	0
Other	1	2	0	3	0	0	0	0
TOTALS	**16**	**67**	**45**	**128**	**9**	**12**	**5**	**2**

Total Complaints by Grounds December 31, 2011 284

Formal Complaints Registered in 2011 - By Area



A Services (50)
B Employment (189)
C Housing (12)
D Other (0)

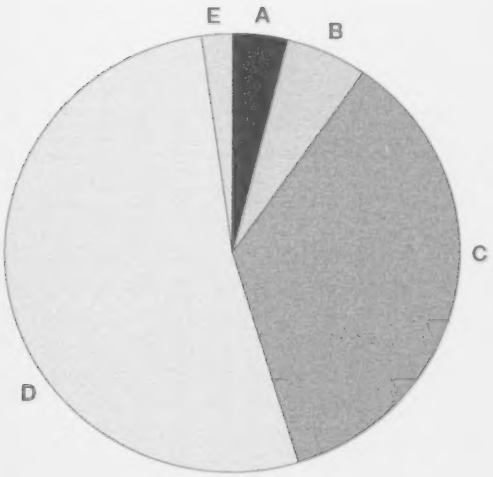
Total Complaints Registered = 251

Files Closed by Area up to December 31, 2011

Area	Pre-complaint Resolution	Pre-Board Settlements	Withdrawn / Abandoned	Dismissed by Board	Terminated Other / Offer Found Reasonable	Settled By Board Directed Mediation	Referred to Adjudication	Settled Prior to Adjudication
Services	6	11	6	42	5	1	1	1
Employment	10	55	33	75	4	10	4	1
Contracts	0	0	0	2	0	0	0	0
Housing	0	1	6	9	0	1	0	0
Other	0	0	0	0	0	0	0	0
TOTALS	**16**	**67**	**45**	**128**	**9**	**12**	**5**	**2**

Total Complaints by Area December 31, 2011 284

Formal Complaints Registered in 2011 - By Nature of Allegations



A Sexual Harassment (10)
B Other Harassment (15)
C Reasonable Accommodation (89)
D Differential Treatment (132)
E Reprisal (5)

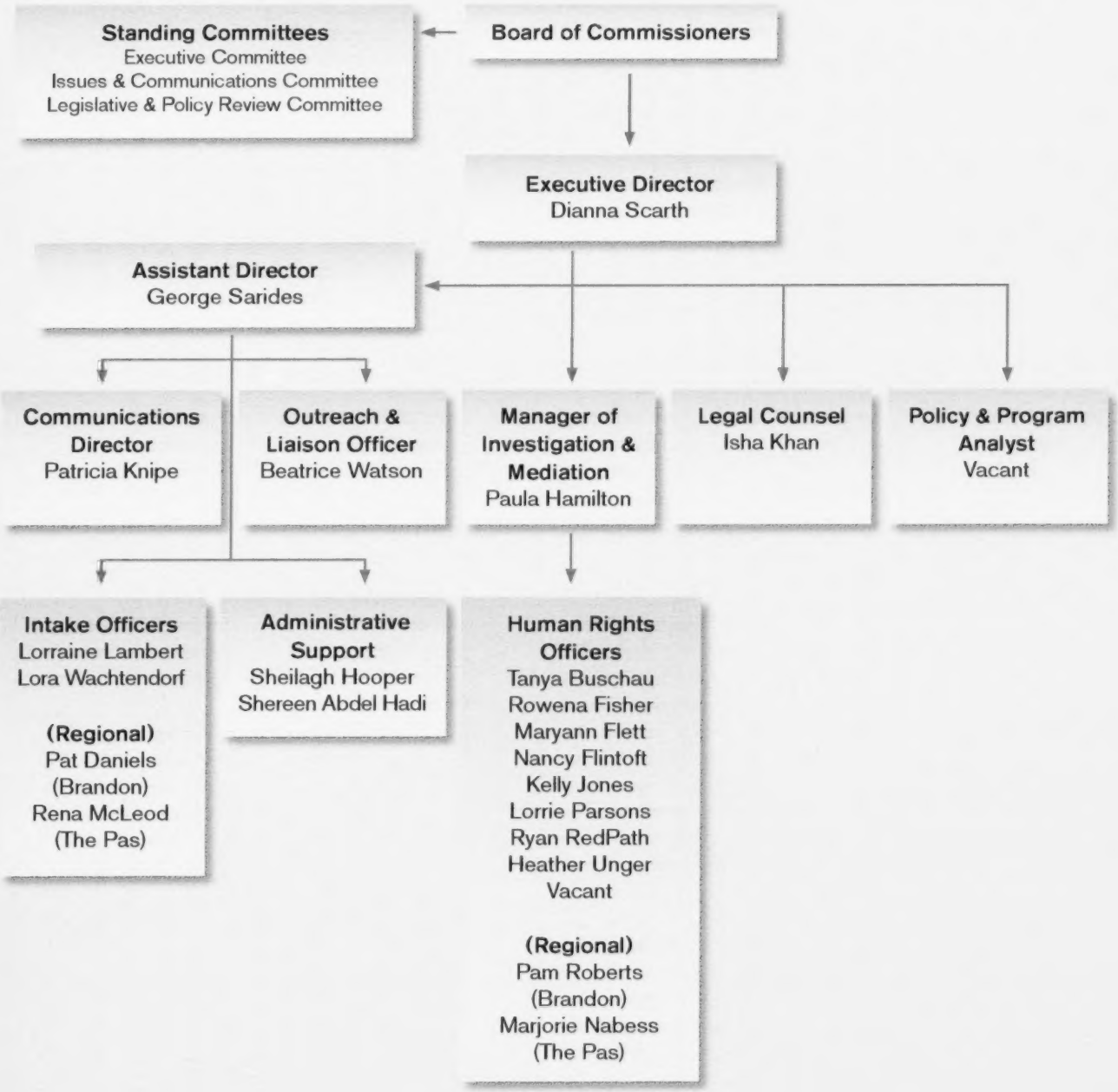
Total Complaints Registered = 251

Files Closed by Nature of Allegation December 31, 2011

Nature of Allegation	Number of Complaints
Sexual Harassment	17
Other Harassment	12
Reasonable Accommodation	72
Differential Treatment	178
Reprisal	5

Total Complaints by Nature of Allegation = 284

MANITOBA HUMAN RIGHTS COMMISSION ORGANIZATION CHART • 2011



THE MANITOBA
HUMAN RIGHTS
COMMISSION

LA COMMISSION DES
DROITS DE LA PERSONNE
DU MANITOBA

FREEDOM FROM DISCRIMINATION • EQUALITY OF OPPORTUNITY

Winnipeg
700 - 175 Hargrave Street
Winnipeg, Manitoba R3C 3R8
Ph: (204) 945-3007
Fax: (204) 945-1292
E-mail: hrc@gov.mb.ca

Brandon
Provincial Government Building
Rm 341 - 340 Ninth Street
Brandon, Manitoba R7A 6C2
Ph: (204) 726-6261
Fax: (204) 726-6035

The Pas
2nd floor - Otineka Mall
P.O. Box 2550
The Pas, Manitoba R9A 1M4
Ph: (204) 627-8270
Fax: (204) 623-5404

Toll Free
1-888-884-8681

TTY
1-888-897-2811

Website:
www.manitoba.mb.ca